

S.No.211

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28160 of 2019 (O&M)

Date of Decision:03.09.2019

SureshPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ravinder Malik, Advocate
for the petitioner.
Mr. M.D. Sharma, AAG, Haryana.
Mr. Rajesh Hooda, Advocate for the
complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.227 dated 02.05.2018 registered under Sections 365, 302, 120-B IPC at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that the petitioner is not involved in the case at all. His name has been dragged in the case only on the basis of alleged disclosure statement; allegedly made by the co-accused. It is further submitted that even as per the case of the prosecution, the alleged poisonous substance was administered to the deceased by one Randhir Singh; at his own premises. It is further submitted that the challan has already been filed. But even in the challan, no document/ evidence has been supplied to the petitioner, to connect him to the alleged crime. Therefore, except the disclosure statement of the co-accused, there is nothing incriminating against the petitioner. The petitioner is in custody since 16.03.2019. It is further submitted that there is no other case against the petitioner.

On the other hand, learned State Counsel submits that the petitioner's participation in the crime has been positively established. He has relied upon the disclosure statement of the co-accused Randhir Singh and Shankar Parshad.

Learned counsel for the complainant has also submitted that the petitioner had taken away the deceased from his home and they consumed liquor with him for a long time. After administering the poison, the petitioner; along with co-accused; had taken the deceased even to Surya Hospital, Sampla. However, the doctor at the said hospital had found the deceased to be already dead. Thereafter, all the accused had brought the deceased to PGIMS Rohtak.

In response to this, learned counsel for the petitioner has submitted that there is nothing on record to suggest even remotely, that the petitioner was one of the persons who might have brought the deceased to PGIMS Rohtak. Again, there is no evidence on file to substantiate the allegations levelled by the complainant. Still further, it is submitted by the counsel that the abovesaid Shankar has been released on bail. The challan has already been filed in this case. Petitioner is in custody since 16.03.2019. The trial is likely to take longer time.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial; on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 03, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No